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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/605,950
Filing Date: November 09, 2003
Appellant(s): HUANG, CHIH-WEN

Kulaniakea Fisher Reg No. 50,987
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/15/2010 appealing from the Office action mailed 08/10/2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-2, 4-15, 17-23, 25-32, and 42-48 are pending in this application.

Claims 3, 16, 24, and 33-41 are canceled.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

20020118949	Jones et al	8-2002
20040098379	Dan Huang	5-2004
20030110503	Ronald Perkes	6-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-14, 19-21, 23, 25-30, 32, and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al. (Jones hereinafter)** (U.S. PG PUB No. 2002/0118949) in view of **Dan Huang. (Huang hereinafter)** (U.S. PG Pub No. 2004/0098379).

With respect to claim 1, **Jones** teaches a **file managing method comprising: “a selection of an operational mode of the digital apparatus”** as the still image source 101 is expect to provide a digital representation. A source of digital video content 105. An audio content, which can be associated with the video source 105 (as is often the case) or associated with the still image source 101 (as is becoming increasingly common with digital cameras and the short video clips often created by still image cameras), or which provide stand-alone audio information (**Jones** Paragraph 0022).

“capturing a file with the digital apparatus and storing the captured file according to its file type in the folder having the file type determined to the selected operational mode” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera

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takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027 and 0022).

Jones teaching the elements of claim 1 as noted above but does not explicitly teaches, **"establishing a folder in a memory of a digital apparatus and responsive to the mode selection, the folder having a file type determined to the selected operational mode."**

However, **Huang** teaches **"establishing a folder in a memory of a digital apparatus and responsive to the mode selection, the folder having a file type determined to the selected operational mode and storing in the memory of the digital apparatus"** as the repository management unit handles where imported files are placed and can generate appropriate folder structure based on the attributes of the files, such as file type (audio, image, or audio) and file date (**Jones** Paragraph 0025).

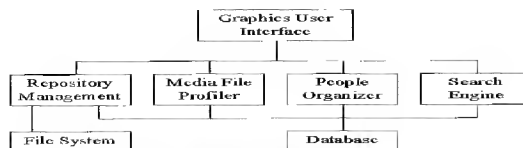


Fig. 4



Fig. 5

Further, figure 5 of **Huang** shows that the camera has a folder at H:\DCIM\100MSDCF for .JPG files and H:\MSSONY\MOML0001 for .MPG files. Therefore, the camera has different folders for different types of files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos (**Huang** Paragraph 0065).

With respect to claim 2, **Jones** teaches “utilizing corresponding applications to open the captured file according to a name of the established folder” as (**Jones** Paragraph 0005 and Figure 1A).

With respect to claim 4, **Jones** teaches “**wherein the operational mode comprises a picture mode**” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 26 is essentially the same as claim 4 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 5, **Jones** teaches “**wherein the operational mode comprises a motion picture mode**” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 27 is essentially the same as claim 5 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 6, **Jones** teaches “**wherein the operational mode comprises a recording mode**” as the HP PhotoSmart 912 camera captures 2.24

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megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 28 is essentially the same as claim 6 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 7, **Jones** teaches **“a method for managing files in a digital apparatus, the method comprising:**

“determining an operation mode of the digital apparatus that has a plurality of operational modes, wherein the operational mode is associated with a file type” as the still image source 101 is expect to provide a digital representation. A source of digital video content 105. An audio content, which can be associated with the video source 105 (as is often the case) or associated with the still image source 101 (as is becoming increasingly common with digital cameras and the short video clips often created by still image cameras), or which provide stand-alone audio information (**Jones** Paragraph 0022).

“capturing a file with the digital apparatus wherein the file has the file type corresponding to the operational mode and storing the captured file in a folder, the folder corresponding to the file type of the captured file when data is captured by the digital apparatus” as the HP PhotoSmart 912 camera captures 2.24 megapixel

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still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016). An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027).

The folders are being created automatically according to the file types (audio, video or sound), which are being captured by the digital apparatus.

Jones teaching the elements of claim 7 as noted above but does not explicitly teaches, **"storing the captured file in a folder in a memory of the digital apparatus, the folder corresponding to the file type of the captured file."**

However, **Huang** teaches **"storing the captured file in a folder in a memory of the digital apparatus, the folder corresponding to the file type of the captured file"** as the repository management unit handles where imported files are placed and can generate appropriate folder structure based on the attributes of the files, such as file type (audio, image, or audio) and file date (**Jones** Paragraph 0025).

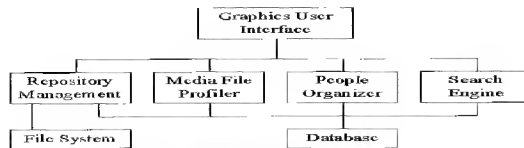


Fig. 4

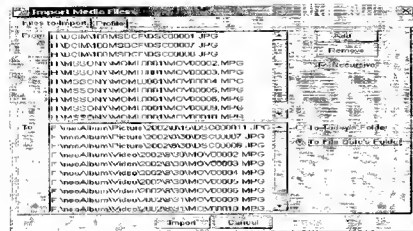


Fig. 5

Further, figure 5 of **Huang** shows that the camera has a folder at H:\DCIM\100MSDCF for .JPG files and H:\MSSONY\MOML0001 for .MPG files. Therefore, the camera has different folders for different types of files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos (**Huang** Paragraph 0065).

With respect to claim 8, **Jones** teaches “utilizing an image capturing module to capture image data, and automatically establishing the folder corresponding to the file type of the image data” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera

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takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016). An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027).

Jones teaching the elements of claim 8 as noted above but does not explicitly teaches **"automatically establishing the folder corresponding to the file type of the image."**

However, **Huang** teaches **"automatically establishing the folder corresponding to the file type of the image"** as the repository management unit handles where imported files are placed and can generate appropriate folder structure based on the attributes of the files, such as file type (audio, image, or audio) and file date (**Jones** Paragraph 0025).

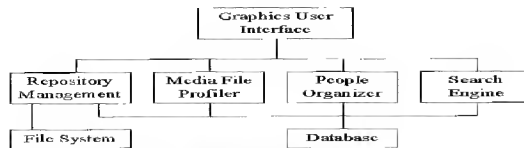


Fig. 4

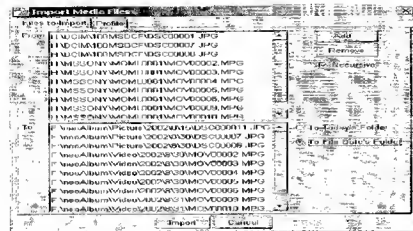


Fig. 5

Further, figure 5 of **Huang** shows that the camera has a folder at H:\DCIM\100MSDCF for .JPG files and H:\MSSONY\MOML0001 for .MPG files. Therefore, the camera has different folders for different types of files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos (**Huang** Paragraph 0065).

With respect to claim 9, **Jones** teaches “utilizing a recording module to capture sound data, and automatically establishing the folder corresponding to the file type of the sound data” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera

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takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016). An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027).

Jones teaching the elements of claim 9 as noted above but does not explicitly teaches, **"automatically establishing the folder corresponding to the file type of the sound."**

However, **Huang** teaches **"automatically establishing the folder corresponding to the file type of the sound"** as the repository management unit handles where imported files are placed and can generate appropriate folder structure based on the attributes of the files, such as file type (audio, image, or audio) and file date (**Jones** Paragraph 0025).

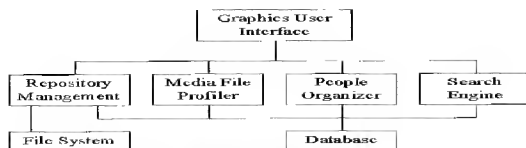


Fig. 4

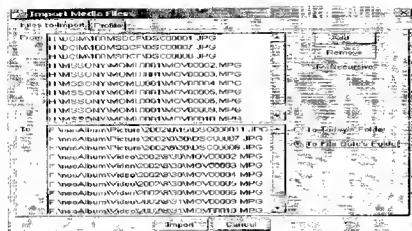


Fig. 5

Further, figure 5 of **Huang** shows that the camera has a folder at H:\DCIM\100MSDCF for .JPG files and H:\MSSONY\MOML0001 for .MPG files. Therefore, the camera has different folders for different types of files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos (**Huang** Paragraph 0065).

With respect to claim 10, **Jones** teaches “wherein storing the captured file according to its file type comprises comparing the name of the folder established responsive to selecting the operational mode with a file name extension of the captured file” as (Jones Paragraph 0027-0028).

With respect to claims 11, 12, 13 and 14, **Jones** does not explicitly teaches **“setting up a shortcut to transmit the captured file in the established folder to a corresponding folder having the same file type as the established folder in another digital apparatus when the shortcut is executed, when the shortcut is executed, all files of the same file type stored in the established folder are transmitted to the corresponding folder in the other digital apparatus, the shortcut is executed by a hot key, and other digital apparatus is a computer.”**

However, **Huang** discloses **“setting up a shortcut to transmit the file in the corresponding folder to another digital apparatus when the shortcut is executed, when the shortcut is executed, all files of the same file type stored in the corresponding folder are transmitted to the other digital apparatus, the shortcut is executed by a hot key, and other digital apparatus is a computer”** as Typical usage begins with importing files from external devices, such as a digital camera. As shown in FIG. 5, when the user selects folders with "recursive" check box on, the system finds all the media files in the folders and subfolders and generates a list of file paths to copy the files to. The user has the options to use today's date or the file dates for the system to construct the paths. The "Profile" tab, as depicted in FIG. 6, shows several attributes that the user can associate all of the imported files to (**Huang** Paragraph 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's**

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teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos (**Huang** Paragraph 0065).

Claim 29 is essentially the same as claims 11, 12, and 13 except it set forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claims 19 and 20, **Jones** does not explicitly teaches **“automatically establishing a corresponding folder in the other digital apparatus having the same file type as the established folder when transmitting the files stored in the established folder to the other digital apparatus and the other digital apparatus comprise a computer.”**

However, **Huang** discloses **“automatically establishing a folder in the other digital apparatus corresponding to the file type when transmitting the files stored in the corresponding folder to the other digital apparatus and the other digital apparatus comprise a computer”** as the system automatically determine where and how the files are to be copied. Figure one shows the importation file process. Once a group of files are selected for import, the process begins by getting the next file on the import list 110. The system then determines the file type, that is, whether the file type is an audio file or a picture file or a video file 112. The system then finds a file date or assigns a file date 114. The system then constructs a destination path based on file

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type and the date assigned 116. The date assigned can be the file importation date or the file creation date. The file name conflict is resolved preferably by appending a number to the end of the file name 118. The file can then be copied into the destination folder 120. (**Huang** Paragraph 0020).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos automatically when they are imported (**Huang** Paragraph 0065).

With respect to claim 21, **Jones** teaches “**wherein the digital apparatus comprises a digital camera**” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 30 is essentially the same as claim 21 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

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With respect to claim 23, **Jones** teaches “**wherein the digital apparatus comprises a digital camcorder**” as similarly a consumer today can buy a film camera or a video camcorder (even a digital video camcorder) and happily use it without any knowledge of computers (**Jones** Paragraph 005).

Claim 32 is essentially the same as claim 23 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 25, **Jones** teaches “**a digital apparatus with a plurality of operational modes, the digital apparatus comprising: a receiving module for capturing a file; a control module for switching the plurality of operational modes of the digital apparatus to a particular operational mode; a memory having a folder, the folder corresponding to a file type associated with the particular operational mode; and a memory module for storing the file captured by the receiving module according to its file type to the folder in the memory having the file type**” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016 and 0022). An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a

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"PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027). Today's digital cameras use either built-in or removable memory. Inexpensive cameras typically offer a few megabytes of built-in memory, and more expensive cameras have a slot for CompactFlash, SmartMedia, Memory Stick, or similar large memory capacity modules (**Jones** Paragraph 0016).

Jones teaches the elements of claim 25 as noted above but does not explicitly teaches, **"the folder corresponding to a file type associated with the particular operational mode of the digital apparatus."**

However, **Huang** teaches **"the folder corresponding to a file type associated with the particular operational mode of the digital apparatus"** as the repository management unit handles where imported files are placed and can generate appropriate folder structure based on the attributes of the files, such as file type (audio, image, or audio) and file date (**Jones** Paragraph 0025).

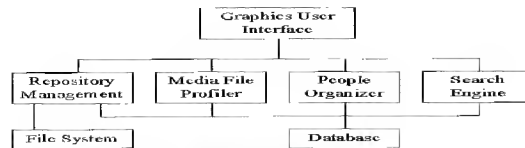


Fig. 4



Fig. 5

Further, figure 5 of **Huang** shows that the camera has a folder at H:\DCIM\100MSDCF for .JPG files and H:\MSSONY\MOML0001 for .MPG files. Therefore, the camera has different folders for different types of files.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Huang** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos (**Huang** Paragraph 0065).

Claims 42-48 are same as claims 1-2, 4-14, 19-21, 23, 25-30, and 32 and are rejected for the same reasons as applied hereinabove.

Claims 15, 17-18, 22, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al.** (U.S. PG PUB No. 2002/0118949) in view of **Dan Huang.** (U.S. PG Pub No. 2004/0098379) as applied to claims 1-2, 4-14, 19-21, 23, 25-30, and 32-41 above, further in view of **Ronald M. Perkes.** (**Perkes** hereinafter) (U.S.PG Pub No. 2003/0110503).

With respect to claims 15, 17, and 18 **Jones and Huang** do not explicitly teach, “**the files stored in the established folder are transmitted to the corresponding folder of the other digital apparatus using wireless network transmission, the wireless network transmission comprises infrared transmission, and the files stored in the established folder are transmitted to the corresponding folder of the other digital apparatus using a cable.**”

However, **Perkes** discloses, “**the files stored in the established folder are transmitted to the corresponding folder of the other digital apparatus using wireless network transmission, the wireless network transmission comprises infrared transmission, and the files stored in the established folder are transmitted to the corresponding folder of the other digital apparatus using a cable**” as the present invention optionally utilizes at the consumer end a computing based Appliance with continuous Internet access, such as a DSL, wireless or cable connection (**Perkes** Paragraph 0037). In most wireless systems, radio frequency (RF) or infrared transmission (IR) waves are used (**Perkes** Paragraph 0197). Bluetooth is a computing and telecommunications industry specification that describes how mobiles

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phones, computers, and personal digital assistants (PDA's) can easily interconnect with each other and with home and business phones and computers using a short-range wireless connection (**Perkes** Paragraph 0200).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Perkes's** teachings would have allowed **Jones and Huang** to provide easy and reliable connection, which enables the digital apparatuses to communicate with other digital apparatuses or other Internet accessible appliances (**Perkes** Paragraph 0035).

With respect to claim 22, **Jones and Huang** do not explicitly teach, “**wherein the digital apparatus comprises a mobile phone.**”

However, **Perkes** discloses “**the method of claim 1, wherein the digital apparatus comprises a mobile phone**” as Bluetooth is a computing and telecommunications industry specification that describes how mobiles phones, computers, and personal digital assistants (PDA's) can easily interconnect with each other and with home and business phones and computers using a short-range wireless connection (**Perkes** Paragraph 0200).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Perkes's** teachings would have allowed **Jones** to organize, publish, distribute (collectively broadcasting) and displaying digital media such as digital audio, digital video, digital photos in a seamless and easily navigable viewing (**Perkes** Paragraph 0077).

Claim 31 is essentially the same as claim 22 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

(10) Response to Argument

A. § 103(a) rejection of claims 1-2, 4-14, 19-21, 23, 25-30, 32, and 42-48 over Jones in view of Huang.

Regarding independent claim 1 applicant argues that **Jones and Huang** do not teach or suggest **“establishing a folder in a memory of a digital apparatus and responsive to a selection of an operational mode of the digital apparatus, the folder having a file type determined according to the selected operational mode.”**

In response to the preceding arguments examiner respectfully submits that Jones teaches **“a selection of an operational mode of the digital apparatus”** as the still image source 101 is expect to provide a digital representation. A source of digital video content 105. An audio content, which can be associated with the video source 105 (as is often the case) or associated with the still image source 101 (as is becoming increasingly common with digital cameras and the short video clips often created by still image cameras), or which provide stand-alone audio information (**Jones** Paragraph 0022). **“establishing folders having a file type”** as an output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a

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"PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027 and 0022).

Therefore these lines teach a digital apparatus having image, audio, video and data processing capabilities. These lines also teach output from this digital apparatus is created in different folders with different types of data and is being stored on a memory.

Jones teaches the elements of the argued limitation but does not explicitly disclose **"establishing a folder in a memory of a digital apparatus and responsive to the mode selection, the folder having a file type determined to the selected operational mode."**

However, **Huang** teaches **"establishing a folder in a memory of a digital apparatus and responsive to the mode selection, the folder having a file type determined to the selected operational mode and storing in the memory of the digital apparatus"** as the repository management unit handles where imported files are placed and can generate appropriate folder structure based on the attributes of the files, such as file type (audio, image, or audio) and file date (**Jones** Paragraph 0025).

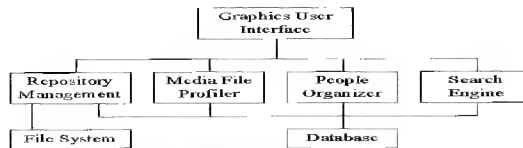


Fig. 4

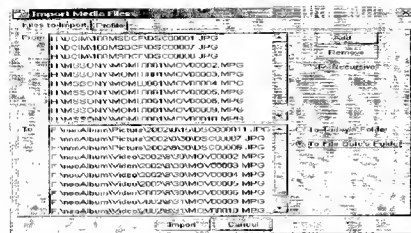


Fig. 5

Figure 5 of **Huang** shows that the camera has a folder at H:\DCIM\100MSDCF for .JPG files and H:\MSSONY\MOML0001 for .MPG files. The memory of the digital apparatus contains different folders based on the different types of modes of the digital apparatus. Therefore, based on the selection of the mode the types of files will be stored in a folder according to the file type for that mode.

Therefore the combination of Jones, which teaches a digital apparatus having image, audio, video and data processing capabilities and digital apparatus creating different folders with different types of data and Huang, which teaches the memory of the digital apparatus having different folders based on the different types of data created by different modes of the digital apparatus as teaching the claimed invention as a whole.

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Appellant's arguments directed towards the rejections of independent claims 7, 25, 43, and 46 reiterate deficiencies Appellant made in the rejection of the independent claim 1, and do not address any new points. Therefore examiner submits that if the rejection of the independent claim 1 is deemed proper, the rejection of independent claims 7, 25, 43, and 46 should also be upheld.

Appellant's arguments directed towards the rejections of dependent claim 2, 4-6 8-14, 19-21, 23, 26-30, 32, 42, 44-45, and 47-48 reiterate deficiencies Appellant made in the rejection of the independent claims, and do not address any new points. Therefore examiner submits that if the rejection of the independent claims is deemed proper, the rejection of dependent claims 2, 4-6 8-14, 19-21, 23, 26-30, 32, 42, 44-45, and 47-48 should also be upheld.

B. § 103(a) rejection of claims 15, 17-18, 22, and 31 over Jones in view of Huang further in view of Perkes.

Appellant's arguments directed towards the rejections of dependent claim 15, 17-18, 22, and 32 reiterate deficiencies Appellant made in the rejection of the independent claims, and do not address any new points. Therefore examiner submits that if the rejection of the independent claims is deemed proper, the rejection of dependent claims 15, 17-18, 22, and 32 should also be upheld.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Usmaan Saeed/

Examiner, Art Unit 2166

Conferees:

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166

/Mohammad Ali/

Supervisory Patent Examiner, Art Unit 2158